

# **EXHIBIT 3**

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF WISCONSIN  
3 GREEN BAY DIVISION

4 -----  
5 APPLETON PAPERS INC. and  
6 NCR CORPORATION,

7 Plaintiffs,

8 vs.

9 Case No. 08-CV-16-WCG

10 GEORGE A. WHITING PAPER COMPANY, ET AL.,

11 Defendants.  
12 -----

13 NCR CORPORATION,

14 Plaintiff,

15 vs.

16 Case No. 08-CV-0895-WCG

17 KIMBERLY-CLARK CORPORATION, ET AL.,

18 Defendants.  
19 -----

20 Deposition of HARRI KYTOMMA, Ph.D., P.E.

21 Friday, September 4th, 2009

22 9:06 a.m.

23 at

24 McDermott, Will & Emery  
25 28 State Street  
Boston, Massachusetts

Reported by Constance L. Bauer, RPR/RMR/CRR

1 A Okay.

2 Q -- okay? Accept that to be true. Also accept to be  
3 true, for the purposes of my question, that the  
4 principal, to the point of being overwhelmingly  
5 large, fraction of PCBs originated in the emulsion  
6 you've been talking about, right?

7 A Okay.

8 Q That's how they got to this river.

9 A Okay.

10 Q Now, are you offering any opinion as to whether the  
11 relative magnitude of the discharge before the end of  
12 1971 was large or small as compared to the magnitude  
13 of the discharge after the end of 1971?

14 MR. HA: Object to form.

15 THE WITNESS: So when -- you mean the --  
16 the relative magnitude of the discharge is  
17 specifically referring to PCBs?

18 BY MR. MANDELBAUM:

19 Q PCBs, yes.

20 A Right. Okay. So my analysis does not focus on  
21 whether the emulsion has or does not have PCBs. I --  
22 I don't -- I couldn't tell you right now how much,  
23 what fraction, of the emulsion actually contains  
24 PCBs. Other people are looking at that.

25 I'm just looking at the emulsion as a

1 whole, as a -- as a mixture basically of capsules and  
2 a liquid and with some other additives, and I'm  
3 talking about the emulsion and I'm talking about the  
4 capsules, irrespective of what the capsules contain.

5 So given that I haven't looked at that, I  
6 can't comment on, and I did not, in answer to your  
7 question, analyze the relative magnitude of releases  
8 of PCBs before or after a certain date because I did  
9 not look at PCBs at all.

10 Q Okay. Can you comment on the relative magnitude of  
11 the discharges of microcapsules?

12 MR. HA: Object to form.

13 THE WITNESS: No, because I did not look at  
14 the period after early '71, so I can't -- you're  
15 asking me to compare after early '71 to before early  
16 '71. I didn't look at after, so I don't have a  
17 relative number for you.

18 BY MR. MANDELBAUM:

19 Q So you have no comment on that, right?

20 A I only have a comment for the period that I looked  
21 at.

22 Q Okay. Now, do you have an understanding of the  
23 relative magnitude of the total amount of emulsion  
24 used at the Appleton coating plant during the period  
25 that you looked at?